

House Study Bill 280

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a homestead exemption waiver notice contained
2 in a written contract affecting agricultural land.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2826HC 81
5 rh/pj/5

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1 1 Section 1. Section 561.22, Code 2005, is amended to read
1 2 as follows:
1 3 561.22 NOTICE OF HOMESTEAD EXEMPTION WAIVER REQUIREMENT.
1 4 1. a. ~~If~~ Except as otherwise provided in subsection 2, if
1 5 a homestead exemption waiver is contained in a written
1 6 contract affecting agricultural land as defined in section
1 7 9H.1, or dwellings, buildings, or other appurtenances located
1 8 on the land, the contract must contain a statement in
1 9 substantially the following form, in boldface type of a
1 10 minimum size of ten points, and be signed and dated by the
1 11 person waiving the exemption at the time of the execution of
1 12 the contract: "I understand that homestead property is in
1 13 many cases protected from the claims of creditors and exempt
1 14 from judicial sale; and that by signing this contract, I
1 15 voluntarily give up my right to this protection for this
1 16 property with respect to claims based upon this contract."
1 17 b. A principal or deputy state, county, or city officer
1 18 shall not be required to waive the officer's homestead
1 19 exemption in order to be bonded as required pursuant to
1 20 chapter 64.
1 21 2. This section shall not apply to real estate affecting
1 22 agricultural land of less than forty acres.

1 23 Sec. 2. HOMESTEAD EXEMPTION WAIVER == APPLICABILITY. If
1 24 a holder of legal or equitable title to real estate affecting
1 25 agricultural land, or dwellings, buildings, or other
1 26 appurtenances located on the land, conveyed less than forty
1 27 acres of such real estate by written contract prior to July 1,
1 28 2005, and such written contract was not executed in compliance
1 29 with the requirements of section 561.22, Code 2005, the holder
1 30 is deemed to have waived the right to have the holder's
1 31 homestead exempt from judicial sale unless suit is brought
1 32 within one year from July 1, 2005, by the holder or the
1 33 holder's representative to determine the effect of the written
1 34 contract upon the real estate or any interest in the real
1 35 estate.

EXPLANATION

2 1 This bill relates to a homestead exemption waiver contained
2 2 in a written contract affecting agricultural land.
2 3 The bill provides that a required homestead exemption
2 4 waiver notice contained in a written contract affecting
2 5 agricultural land, or dwellings, buildings, or other
2 6 appurtenances located on the land, shall not apply to a
2 7 written contract affecting less than 40 acres of such land.
2 8 The bill further provides in session law that if a holder
2 9 of legal or equitable title to such land conveyed less than 40
2 10 acres of such land prior to July 1, 2005, and the written
2 11 contract was not executed in compliance with the waiver
2 12 requirements of section 561.22, Code 2005, the holder is
2 13 deemed to have waived the right to have the holder's homestead
2 14 exempt from judicial sale, unless suit is brought within one
2 15 year from July 1, 2005, by the holder or the holder's
2 16 representative to determine the effect of the written contract
2 17 upon the real estate or any interest in the real estate.
2 18

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